IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25387 of 2007(V)

PETITIONER:

P.N.VIJAYAKUMAR, H.S.A.(MAL),
J.M.H.S., SASTHAMKOTTA, PORUVAZHI P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA.

3. THE HEADMISTRESS, J.M.H.S.,
SASTHAMKOTTA, PORUVAZHI P.O.,
KOLLAM DISTRICT.

BY GOVT. PLEADER, SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J

W.P.C. No.25387 of 2007

Dated this the 21st day of August, 2007

JUDGMENT

Petitioner is a High School Assistant(Malayalam) working in an Aided High School. His grievance is that he has been denied the grade promotion, for which he is legitimately entitled to get. I do not propose to deal with the details of his service from the contentions in support of his plea, that the controlling officer is not justified in taking the view that the claim of the petitioner is unsustainable, Ext.P6 order, which is impugned in this writ petition, is apparently referable to statutory appeal, which the petitioner has not availed of. Learned counsel submits that the petitioner is prepared to approach the Appellate Authority. In that view of the matter, I am satisfied that this writ petition need not be entertained at this stage. Petitioner shall prefer an appeal if so advised, within two weeks from today. The Appellate Authority shall entertain the appeal including a delay petition, if any. A decision on the appeal shall be taken strictly on merits and in accordance with law, as expeditiously as possible, at any rate, within two months from the receipt thereof. Needless to mention, the Appellate Authority shall ensure that petitioner and the Manager of the School concerned are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before the Appellate Authority for compliance.

A.K.BASHEER, J

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